

Senate File 2322

S-5090

1 Amend Senate File 2322 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 692A.101, subsection 1, paragraph a,
5 Code 2020, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (9) Continuous sexual abuse of a child
7 in violation of section 709.23.

8 Sec. 2. Section 692A.101, subsection 2, paragraph a, Code
9 2020, is amended by adding the following new subparagraph:

10 NEW SUBPARAGRAPH. (4) Continuous sexual abuse of a child
11 in violation of section 709.23.

12 Sec. 3. Section 692A.102, subsection 1, paragraph c, Code
13 2020, is amended by adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (013) Continuous sexual abuse of a child
15 in violation of section 709.23.

16 Sec. 4. NEW SECTION. **709.23 Continuous sexual abuse of a**
17 **child.**

18 1. A person eighteen years of age or older commits
19 continuous sexual abuse of a child when the person engages
20 in any combination of three or more acts of sexual abuse in
21 violation of section 709.3 or 709.4, with the same child, and
22 at least thirty days have elapsed between the first and last
23 acts of sexual abuse.

24 2. A person who commits continuous sexual abuse of a
25 child is, upon conviction, guilty of a class "B" felony.
26 Notwithstanding section 902.9, subsection 1, paragraph "b", a
27 person convicted of a violation of this subsection involving
28 any combination of three or more acts of sexual abuse that
29 includes a violation of section 709.3 or 709.4 shall be
30 confined for no more than fifty years.

31 3. If a jury is the trier of fact, members of the jury must
32 unanimously agree that three or more acts of sexual abuse in
33 violation of section 709.3 or 709.4 were committed with the
34 same child and at least thirty days have elapsed between the
35 first and last acts of sexual abuse. The jury does not need

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(amending this SF 2322 to CONFORM to HF 2554)

1 to unanimously agree which specific acts were committed or the
2 exact date when those acts were committed.

3 4. Any other sexual abuse offense involving the same child
4 shall not be charged in the same proceeding as a charge under
5 this section unless the other sexual abuse offense occurred
6 outside of the time period charged under this section or the
7 other sexual abuse offense is charged in the alternative.

8 5. A person shall be charged with only one count under this
9 section unless more than one child is involved in the offense.
10 If more than one child is involved, a separate count may be
11 charged for each child.

12 6. Each act of sexual abuse committed under section 709.3
13 or 709.4 shall be considered a lesser included offense to the
14 crime of continuous sexual abuse of a child under this section.

15 Sec. 5. Section 902.14, subsection 1, Code 2020, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *d.* Continuous sexual abuse of a child in
18 violation of section 709.23.

19 Sec. 6. Section 903B.10, subsection 3, Code 2020, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *j.* Continuous sexual abuse of a child in
22 violation of section 709.23.>

ZACH NUNN